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8 Attorneys for Defendants,
9 American Protection Plans, LLC d/b/a
10 American Residential Warranty, Joshua
11 Brauser, & Michael Brauser

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BURKE SMITH, an individual,
Plaintiff,

v.

AMERICAN PROTECTION PLANS,
LLC, a Florida limited liability
company; JOSHUA BRAUSER, an
individual; MICHAEL BRAUSER, an
individual; and DOES 1 through 20,
inclusive,

Defendants.

Case No. 3:22-cv-00016-MMA-NLS

**DECLARATION OF MICHAEL
BRAUSER IN SUPPORT OF
MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION**

I, Michael Brauser, the undersigned, hereby make this declaration pursuant to
28 U.S. Code § 1746, and declare as follows:

1. I respectfully submit this declaration in support of my Motion to Dismiss
the Complaint for lack of personal jurisdiction. I am over eighteen years of age, and if
called upon I could testify as to the facts stated herein based upon firsthand
knowledge.

2. I am one of the Managers of the Florida limited liability company,
American Protection Plans, LLC d/b/a American Residential Warranty ("ARW"),
which always position I have held at all times material.

1 3. I am a resident and citizen of Broward County, Florida, where I have
2 resided at all times material.

3 4. I do not presently own or lease real property in California.

4 5. I do not maintain any businesses in California.

5 6. I do not maintain any mailing addresses in California.

6 7. I do not maintain a California telephone number.

7 8. I do not pay income or property taxes in California.

8 9. I do not maintain a California bank account.

9 10. I do not maintain any offices, employees, or agents for service of process
10 in California.

11 11. I do not sit on the boards of any California companies.

12 12. I do not maintain California driver's license or other California
13 professional licenses.

14 13. I have never lived in California.

15 14. I have never been employed by a California business.

16 15. I do not maintain a California bank account.

17 16. To my recollection, I have not traveled to California more than a handful
18 of times in the past decade and every time was for no more than three days.

19 17. My personal affairs are not intertwined with the business of ARW.

20 18. Besides myself, ARW has four other owners.

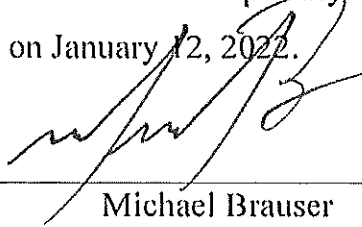
21 19. I have adhered to corporate formalities and maintained the separateness of
22 ARW from my personal finances.

23 20. I maintain a separate personal address, telephone number, and bank
24 account from ARW.

25 21. ARW has obligations, debts, and assets in its own name, separate and apart
26 from me.

27 22. ARW is now, and at all relevant times has been, sufficiently capitalized to
28 satisfy its ongoing operational and financial obligations.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
2 foregoing is true and correct. Executed on January 12, 2022.

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4 
5 Michael Brauser